

REMARKS

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 2 and 10 are cancelled herein without prejudice to or disclaimer of the subject matter contained therein. Claims 2-5 have been withdrawn. Claims 1, 3-9, and 11-13 are pending. Claims 1 and 3-9 are amended, and claims 11-13 are added. Claims 1 and 11 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

The Examiner states that claim 10 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph.

The Applicant thanks the Examiner for the early indication of allowable subject matter in this application. In response,

independent claim 1 has been amended to incorporate the allowable subject matter of objected-to claim 10, and to address the issues under 35 U.S.C. 112, second paragraph, and

independent claim 11 has been added to combine allowable subject matter from independent claim 1 and the allowable subject matter of objected-to claim 10, while also addressing the issues under 35 U.S.C. 112, second paragraph.

Accordingly, independent claims 1 and 11 are in condition for allowance. Independent claim 11 is believed to be generic.

Restriction Requirement

The Examiner has made the Restriction Requirement final, and has withdrawn claims 2-5 from further consideration. The Applicant reserves the right to file a divisional application directed to claims 2-5 at a later date if so desired.

The Examiner will note that new independent claim 11 has been added, and it is believed that added claim 11 is generic. Claims 2-5 have been rewritten as dependent claims 13 and 3-5, respectively, and each now depends from added independent claim 11. Assuming claim 11 is found to be allowable and generic, the Examiner is respectfully requested to examine dependent claims 13 and 3-5 as well. The Examiner is reminded that upon allowance of a generic independent claim, the Examiner should consider in a single application claims depending therefrom that are directed to a reasonable number of species.

Foreign Priority Claim

The Examiner has acknowledged the Applicant's claim for foreign priority.

Information Disclosure Statement

An Information Disclosure Statement is being filed concurrently to properly disclose EP 0 186 222 B1 and USP 4,610,983 as mentioned in the specification of the application filed on March 15, 2004. A copy of EP 0 186 222 B1 is attached.

Objection to the Drawings

One sheet of Revised Formal Drawings is attached hereto, in order to properly label shoulder 35a of cutting element 11 in FIG. 1. The objection to FIG. 3 has been overcome by amending the specification to be consistent with FIG. 3. Reconsideration and withdrawal of this objection are respectfully requested.

Specification Objection

The Examiner has objected to the specification because of several informalities.

In order to overcome this objection, Applicant has amended the specification in order to correct the deficiency pointed out by the Examiner. In addition, a Substitute Specification is being provided in order to place the application in better form. Also included is a marked-up copy of the original specification which shows the portions of the original specification which are being added and deleted. Applicant respectfully submits that the substitute specification includes no new matter and that the substitute specification includes the same changes as are indicated in the marked-up copy of the original specification showing additions and deletions. Reconsideration and withdrawal of this objection are respectfully requested.

Objection to the Abstract

The Abstract of the Disclosure has been revised to address the issues pointed out by the Examiner. Reconsideration and withdrawal of this objection are respectfully requested.

Claim Objections

The Examiner has objected to claims 1 and 6-10 because of several informalities. In order to overcome this objection, the Applicant has amended claims 1-9 in order to correct the deficiencies pointed out by the Examiner. Claim 10 has been cancelled. Reconsideration and withdrawal of this objection are respectfully requested.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 1 and 6-10 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

In order to overcome this rejection, the Applicant has amended claims 1-9 to correct each of the deficiencies specifically pointed out by the Examiner, and to place them in a form more typical of U.S. practice. Claim 10 has been cancelled. The Applicant respectfully submits that the claims, as amended, particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 U.S.C. § 103(a)

Claims 1 and 6-9 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Kobayashi et al. (U.S. 4,779,342), in view of Leopold (U.S. 1, 529,489) and Gilley (U.S. 1,508,687). This rejection is respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, the Applicant has amended independent claim 1 to recite a combination of elements in a manual cutting tool incorporating the allowable subject matter of objected-to claim 10, and to address the issues under 35 U.S.C. 112, second paragraph.

Further, independent claim 11 has been added to combine allowable subject matter from claim 1 and the allowable subject matter of objected-to claim 10, while also addressing the issues under 35 U.S.C. 112, second paragraph. Added claim 11 is believed to be generic.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1 and 11 is not disclosed or made obvious by the prior art of record, including Kobayashi et al., Leopold, and Gilley

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Therefore, independent claims 1 and 11 are in condition for allowance.

The Examiner will note that dependent claim 10 has been cancelled, dependent claims 3-9 have been amended, and dependent claims 12 and 13 have been added. With these amendments, claims 6-9 depend from independent claim 1, as shown in FIGS. 1-3, and claim 3-5, 12, and 13 depend from added independent claim 11, which is believed to be generic.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

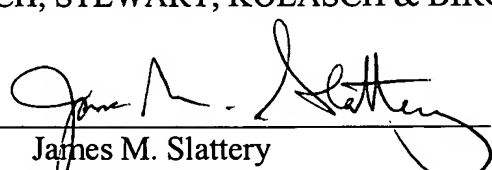
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


James M. Slattery
Reg. No. 28,380

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JMS:CTT:mao

Attachments: Substitute Specification
One Sheet of revised Formal Drawings (with corrections to FIG. 1)

Application No. 10/799,725
Amendment dated December 14, 2005
Reply to Office Action of October 21, 2005

Docket No. 0739-0137PUS1
Art Unit: 3724
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AMENDMENTS TO THE DRAWINGS

One sheet of Revised Formal Drawings is attached hereto, in order to properly label shoulder 35a of cutting element 31 in FIG. 1.